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RESOLUTION NO. 04-373

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING IMPROVING RUTGERS FROM THE NORTH LINE OF 37TH STREET NORTH TO THE NORTH LINE OF LOT 13, BLOCK 2, HAVENHURST FROM THE EAST LINE OF LOT 20, BLOCK 4 TO THE WEST LINE OF LOT 1, BLOCK 5; RUTGERS COURT (2) ADJACENT TO LOTS 30 THRU 37 AND 39 THRU 42, BLOCK 1, AND WATERSIDE FROM RUTGERS TO THE WEST LINE OF LOT 29, BLOCK 1. SIDEWALK TO BE INSTALLED ALONG THE NORTH SIDE OF WATERSIDE FROM THE EAST LINE OF LOT 12, BLOCK 4, TO THE EAST LINE OF RUTGERS, THE EAST SIDE OF RUTGERS, FROM WATERSIDE TO HAVENHURST, THE SOUTH SIDE OF HAVENHURST ADJACENT TO LOTS 17 THRU 20, BLOCK 4 AND THE WEST SIDE OF RUTGERS FROM 37TH STREET NORTH TO WATERSIDE (NORTH OF 37TH STREET NORTH, WEST OF MAIZE) 472-84043, IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF IMPROVING RUTGERS FROM THE NORTH LINE OF 37TH STREET NORTH TO THE NORTH LINE OF LOT 13, BLOCK 2, HAVENHURST FROM THE EAST LINE OF LOT 20, BLOCK 4 TO THE WEST LINE OF LOT 1, BLOCK 5; RUTGERS COURT (2) ADJACENT TO LOTS 30 THRU 37 AND 39 THRU 42, BLOCK 1, AND WATERSIDE FROM RUTGERS TO THE WEST LINE OF LOT 29, BLOCK 1. SIDEWALK TO BE INSTALLED ALONG THE NORTH SIDE OF WATERSIDE FROM THE EAST LINE OF LOT 12, BLOCK 4, TO THE EAST LINE OF RUTGERS, THE EAST SIDE OF RUTGERS, FROM WATERSIDE TO HAVENHURST, THE SOUTH SIDE OF HAVENHURST ADJACENT TO LOTS 17 THRU 20, BLOCK 4 AND THE WEST SIDE OF RUTGERS FROM 37TH STREET NORTH TO WATERSIDE (NORTH OF 37TH STREET NORTH, WEST OF MAIZE) 472-84043, IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to improve Rutgers from the north line of 37th Street North to the north line of Lot 13, Block 2, Havenhurst from the east line of Lot 20, Block 4 to the west line of Lot 1, Block 5; Rutgers Court (2) adjacent to Lots 30 thru 37 and 39 thru 42, Block 1, and Waterside from Rutgers to the west line of Lot 29, Block 1. Sidewalk to be installed along the north side of Waterside from the east line of Lot 12, Block 4, to the east line of Rutgers, the east side of Rutgers, from Waterside to Havenhurst, the south side of Havenhurst adjacent to Lots 17 thru 20, Block 4 and the west side of Rutgers from 37th Street North to Waterside (north of 37th Street North, west of Maize) 472-84043.

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Three Hundred Thirty-four Thousand Four Hundred Dollars (\$334,400)** exclusive of the cost of interest on borrowed money, with **100** percent payable by the improvement district. Said estimated cost as above set forth is hereby increased at the pro-rata rate of 1 percent per month from and after **February 1, 2004**, exclusive of the costs of temporary financing.

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

**PRAIRIE POINTE**

Lots 30 thru 37 and 39 thru 42, Block 1

Lots 1 thru 13, Block 2

Lots 12 thru 20, Block 4

Lots 1 thru 7, Block 5

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **fractional** basis:

That said Lots 30 thru 37 and 39 thru 42, Block 1; Lots 1 thru 13, Block 2; Lots 12 thru 20, Block 4 and Lots 1 thru 7, Block 5, all within PRAIRIE POINTE shall each pay 1/41 of the total cost payable by the improvement district.

Except when driveways are requested to serve a particular tract, lot, or parcel and shall be in addition to the assessment for other improvements. Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 12-6a01 et seq. as amended.

SECTION 8. Be it further resolved that the above-described improvement is hereby

authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

ADOPTED AT WICHITA, KANSAS JULY 20, 2004.

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CARLOS MAYANS, MAYOR

ATTEST:

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KAREN SUBLETT, CITY CLERK

(SEAL)